



**ARIZONA STATE SENATE**  
*Fifty-Third Legislature, Second Regular Session*

**AMENDED**  
**FACT SHEET FOR S.B. 1476**

pre-arrest diversion; precomplaint education program

Purpose

Permits a merchant to allow a person who is suspected of shoplifting to complete an education program instead of reporting the crime to law enforcement, under certain conditions.

Background

Current law states that a person commits shoplifting if, while in an establishment in which merchandise is displayed for sale, the person knowingly obtains such goods of another with the intent to deprive that person of such goods by: 1) removing any of the goods from the display or establishment without paying the purchase price; 2) charging the purchase price of the goods to a fictitious person or any person without that person's authority; 3) paying less than the purchase price of the goods by specified tricks or artifice; 4) transferring the goods from one container to another; or 5) concealment. The penalty for shoplifting varies from a class 1 misdemeanor to a class 4 felony, depending on the nature of the crime and the value of the goods stolen ([A.R.S. § 13-1805](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Permits a merchant, in lieu of reporting alleged shoplifting to law enforcement, to offer a person suspected of shoplifting an opportunity to complete a precomplaint education program and inform the person of relevant criminal and civil remedies that are available to the state and the merchant.
2. Prohibits a merchant from:
  - a) being compensated for offering a precomplaint education program; and
  - b) offering a precomplaint education program to a person who has previously been convicted of shoplifting or offered an opportunity to participate in the program.
3. Requires a merchant to:
  - a) notify law enforcement that the merchant is offering the program;
  - b) coordinate with law enforcement and prosecutors regarding participation criteria and course content; and
  - c) facilitate data sharing with law enforcement to enable investigation and prosecution of criminal activity.

4. Designates course content information provided to law enforcement as confidential business information exempt from public records requests.
5. Allows the merchant to reduce or waive the fee for the precomplaint education program based on the person's ability to pay.
6. Permits a merchant to offer the precomplaint education program directly or through an independent educational provider.
7. Makes conforming changes.
8. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Prohibits a merchant from being compensated for offering a precomplaint education program.

Amendments Adopted by Committee of the Whole

1. Disqualifies repeat offenders for eligibility for a precomplaint education program.
2. Establishes reporting requirements.
3. Establishes requirements for data sharing and coordination with law enforcement and prosecutors.
4. Designates course content as confidential and exempt from public records requests.

Senate Action

COMPS      2/12/18    DPA    8-0-1

Prepared by Senate Research

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GH/VR/lb